

FINAL REPORT
UQAM-NUR-USAID PROJECT
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Although Project 623-G-00G97-00019 officially began in January 1997, a previous project, also financed by USAID, enabled UQAM and NUR to begin their collaboration in April 1996. This document is presented with a view to reporting on activities that were organised between April 1996 and September 2003 to provide the necessary English-speaking law instructors to respond to the acute shortage of qualified indigenous law instructors in Rwanda.

Between 1996 and 2002, UQAM has contributed in preparing more than 175 English-speaking law graduates in a Project whose one notable objective was to provide English-language law instructors for the Faculty of Law of the National University of Rwanda (NUR). This has been an immense contribution to justice and the rule of law in Rwanda. In the course of the project, the focus was widened in order to enable the Faculty of Law to take the lead in the establishment of a strong legal culture based on respect for the rule of law. In order to achieve this goal, the USAID-funded project added to its focus of teaching law the institutional reinforcement of the Faculty of Law.

In the first years of operation, the project achieved more than preparing law graduates: bilingual conferences were held on issues related to genocide, human rights, as well as criminal and international law; Rwanda legal material was translated into English; an *Anglophone Memoire*

Style Guide was prepared. In the last three years (2000-2003), six important institutional reinforcement activities were realized : (1) financial support of the Faculty of Law in meeting the on-going challenges of teacher-training with a view to ensuring a permanent presence of qualified law teachers ; (2) encouraging empirical legal research ; (3) help in setting up a Legal Clinic ; (4) development of a curriculum evaluation capacity ; (5) organization in the fall of 2001 of a Conference for the Law Graduates beneficiaries of the UNR-UQAM Program ; (6) writing and printing a Legal Research Manual.

This report is divided into three sections. The first section reviews the teaching activities and instruments realized and an outlook on some of the outcomes of the English-language Law Instructors Project (A). The second section lists the activities carried off in order to reinforce the Faculty of Law (B). The third section exposes how the Project was implemented between the Faculty of Law (NUR) and UQAM.

A.1 Teaching and *mémoire* supervision

During the course of the project, UQAM has taught 26 courses, totalling 1260 hours of classroom time. In addition to traditional classroom teaching, UQAM worked with the Faculty of Law to offer bilingual conferences on issues related to genocide, human rights, as well as criminal and international law.

UQAM instructors have also coached the Philip C. Jessup International Law Moot Court Competition, which is held annually in Washington, D.C., USA, during three years. The Moot Court is an invaluable teaching tool. Four (or five) of the best students in the UQAM project prepared legal briefs (respondent and appellant) for presentation to an international forum. The Rwandan teams have proved that they can debate issues of law impressively and that they could match their peers from around the world. The Rwandan team of April 2000, with 4 students and 2 coaches (one UQAM lecturer and the Dean of the Faculty of Law) travelled to Washington and won a valuable prize (Spirit of Jessup Award 2000).

At the end of 2002, UQAM support in supervision of English-speaking students will have allowed more than 100 of them to write, present and defend a substantial *mémoire* (thesis) concerning complex legal subjects.

A.2 Teaching instruments

A.2.1 Legal Research Manual

One of the most pressing needs of the Law Faculty, and one that has been clearly evidenced during the *mémoire* exercise, was the development of a legal research and writing manual. Students lacked basic research skills as well as the writing ability to present clearly and plainly their research on paper. At first, UQAM prepared an *Anglophone Memoire Style Guide* to assist students in preparing their final year dissertation. In 2000, UQAM started to develop a bilingual (French/English) Legal Research Manual that could act as a guide to students at all levels of their legal education to pursue their research in a systematic and methodological fashion. The Manual would be written by UQAM with the assistance of the Faculty of Law (NUR). The bilingual manual was written, printed in 300 copies for each version and sent to the Faculty of Law : *Methods of legal research and writing* (100 pages); *Guide de méthodologie de la recherche juridique* (104 pages).¹

A.2.2 Lawyering skills

One area of weakness that was identified was the inability of students to translate their theoretical legal education into practical legal solutions. This skill is critical to make the transition from student to practicing law professional. This is particularly important in light of the fact that the *stage* period is only six weeks in length and does not provide students with sufficient time to truly appreciate the nuances of the law in action. In addition, the Bar Society itself has yet to determine its program for trainee lawyers. In an attempt to bridge the gap between academic and practical law, UQAM implemented a program of teaching lawyering skills which was included in the curriculum. The content of the program covered the following areas of lawyering: 1) consultation, interviewing, facts-research and legal diagnosis; 2) drafting and legal writing; 3) representation; 4) negotiation. This course was given twice in 2001 by UQAM and, as in other cases, all the documentation produced for the course were given to the Faculty for the continuation of the program.

A.2.3 Translation

One contribution has been the translation of Rwandan legal material into English. One pocket-sized translation, offering legal texts in both English and French, has been prepared and made available : the Rwandan Code of Civil and Commercial Procedure.

¹ The manual was written by Susan THOMSON, Dalhousie University, resident coordinator of the NUR-UQAM Project (1998-2000), with the assistance of François Xavier KALINDA and Félix ZIGIRINSHUTI, both of the Faculty of Law (NUR).

A.3 Project outcomes

The graduation of more than 175 English-speaking students obtaining a Bachelor's Degree in Law (LL.B.) is in itself an important achievement of the Project. In order to illustrate the outcomes of this endeavour, some facts on where a number of those law graduates are working will show the impact of these efforts.²

Six of the law graduates are Assistant Law Professors at the National University of Rwanda. They have also obtained afterwards a Master of Laws Degree (LL.M.) : three from University of Ottawa, Ottawa, Canada, under sponsorship of the Canadian International Development Agency (CIDA); three from McGill University, Montreal, Canada, under sponsorship of USAID.

Ten of the law graduates are Judges with one in the Supreme Court of Rwanda and the other nine in Appellate Courts and Courts of First Instance in different provinces of Rwanda.

Twenty-four of the law graduates are in the Prosecution Department : two of them are Chief Prosecutors (*Procureur de Province*): Steven Agaba for Kibugo province and Stephen Muhairwe for Mutara province.

The other law graduates are working in different government and private institutions including: the Ministries of Justice, Finance, Women Affairs, Foreign Affairs, Land and the President's Office; Rwanda Revenue Authority; National Tender Board; as well as Diplomatic Missions in Kigali. Notable among those working in ministries are one graduate who is the '*Notaire Public*' in the Ministry of Justice and another who is a Tax Specialist and the Finance Minister's Personal Assistant.

Five law graduates have been accepted to the Rwandan Bar Association and one is running his own law practice firm, while seven are '*avocat stagiaires*' (interns) in different law firms.

Twenty-five of the all the law graduates have either obtained an LL.M. or are presently completing their graduate studies. The majority have done their masters in Law while a few of them have done their masters in the fields of International Relations and Conflict Management/Resolution. The countries where they have undertaken their graduate studies

² I must warmly thank Moses Kiiza, assistant-professor at the Faculty of Law, for making the appropriate research and the gathering of those figures.

include South Africa, United Kingdom, Netherlands, Switzerland, Sweden, Canada and the United States.

B. Reinforcement Activities

In order to reinforce the Faculty of Law, a number of activities were implemented with the intent of leaving in place at the end of the Project permanent instruments for the establishment of the Rwandan legal structure in which the Faculty has a major role to play.

B.1 Teaching capacity

In order that the Faculty have a sufficient core of trained English-speaking lecturers in due time, three scholarship awards were created so as to allow lecturers to pursue Master's level study at Canadian universities in the particular fields of law the Faculty of Law (NUR) specifically needed for its teaching purposes. Three assistant-lecturers were thus admitted and registered in 2001 at the Faculty of Law at McGill University in Montreal and all were successful in obtaining their LL.M. degree in 2003. They are Moses Kiiza, Julius Mugisha P.K. and Hadidja Murangwa Namurabi. In 2004, the three of them are back teaching at the Faculty of Law.

B.2 Research capacity

It goes without saying that empirical legal research is the back-bone of any Faculty of Law as such research is required to deal with problems of law and societal development. Research is required for several reasons: (1) to permit social contextualization of law and legal rules; (2) to investigate the variables which may affect the working of institutions and the behavior of persons in legal and judicial roles; and, (3) to investigate the impact of particular laws, notably that of *Gacaca*, on society.

As a means of developing the relevant methods of formulating legal research questions for investigation, and in order to learn to gather and evaluate data in a multi-disciplinary environment, one research seminar was organized on subjects deemed important for the development of the rule of law in Rwanda and agreed between UQAM and the Faculty of Law (NUR). The seminar was organized with the objectives of (1) familiarizing the members of the Faculté de droit (NUR) with this type of research and initiating students to the potentialities of multidisciplinary and (2) initiating participants in writing research projects answering the standard criteria in this field. Two experienced law researchers from UQAM held this five-day seminar in the Fall of 2001 with a dozen of the Faculty members who had to write a law research project in the end.

In order to encourage faculty members to engage themselves in this type of empirical legal research, financial conditions were assured. A Research Fund (4 500 000 Rwandan francs) was set up to help the researchers pay for the expenses incurred in their research project. Strict conditions were defined (Annexe 1). Six applicants put in a request and, after evaluation, four of them received a grant from the fund.

UQAM has also worked with USAID/Rwanda toward establishing a mini-computer lab at the Faculty of Law. The computer lab has been up and running since July 2000. In 2001 and 2002, training-sessions in computer-assisted research were given by UQAM to interested members of the Faculty of Law.

B.3 Law Library

The capacity of the law library (*Collection juridique*) to service the research needs of the Faculty of Law was and is still minimal. These needs are numerous: computerised catalogue system; library staff training; defined system of lending and return of books; inter-library loan system with other universities in the region. In short, all key components of the law library were in need of re-evaluation and updating to ensure a functional and relevant law library. For financial reasons, hard decisions had to be made. The needs of the *Collection juridique* in itself were privileged: the purchase of French and English law books and journals according to the teaching and research mission of the Faculty was decided. At first, in 2000, UQAM acquired over 200 law books and articles for the specific use by students writing their *mémoire* in the last part of their curriculum. In 2002, UQAM acquired 109 French and English law books from a list proposed by members of the Faculty.

UQAM has also worked closely with USAID/Rwanda in planning capacity development of the legal libraries in Rwanda (*viz.*, that of the Ministry of Justice and the *Collection juridique* at the National University of Rwanda). This project was realised in 2000 under a USAID grant for institutional capacity-building at the Ministry of Justice.

B.4 Legal Clinic

As a means to remove the physical, financial and psychological barriers to access justice, the Faculty of Law wanted to set up a Legal Clinic. A balance had to be made between a formal Legal Aid Clinic and a Legal Information Clinic. A Legal Aid Clinic is where students receive 'clients' free of charge and their work is supervised by a practicing lawyer or a professor from

the faculty. A Legal Information Clinic object is where supervised students give pertinent legal information to the 'client' so that he would know his rights and obligations in his particular case and guided to the specific resources and recourses needed to solve the dispute. UQAM, where there has been a Legal Information Clinic (*Clinique juridique*) in operation for more than twenty years, provided counsel on the workings of such an organization.

The Legal Clinic created in 2001 in Butare is in operation; it has a coordinator, assistant-professor Felicité KAROMBA, and an assistant coordinator, Usta KITESI, assistant-professor. Every law student does a month in the Legal clinic. During their holidays, three students are hired to assist in the running of the Clinic. In addition to free legal advice, the Clinic also provides legal representation for serious cases. With the funds available, they only provide legal representation for a maximum of six cases a year. Next year, the Clinic intends to begin publishing and distributing books on specific themes such as Women's and Children's rights in the Rwandan context.

B.5 Curriculum review

One of the primary goals of the Rwandan justice system was to develop a respect for the legal system, a collective belief that genocide and other crimes of impunity will never happen again, and to promote access to justice for all through the promotion of human rights education and the development of respect for the rule of law. These were the primary policy goals of the government and the legal education of the Faculty of Law wanted to support these goals with a well-structured set of course offerings. How can the Faculty of Law produce jurists who will meet the goals of the justice system? The most obvious answer to this question is through the development of personnel trained in law. The curriculum of the Faculty of Law had to reflect the goals of the justice system while producing mature and competent jurists, equipped with the necessary legal skills to be independent and thoughtful members of the legal profession through the use of intellectual and interpersonal skills. How jurists choose to play their role is contingent on the legal education with which they are provided.

UQAM assisted the Faculty of Law (NUR) in its effort to formulate a curriculum that would take into account the needs of the Rwandan society. An analysis of the *Nouveau programme d'enseignement LL.B.* was done by UQAM and a report was written and presented to the Faculty of Law (NUR) in July 2002 (Annexe 2).

B.6 Conference of Law Graduates

In view of creating a sense of commitment or attachment to the Faculty of Law (NUR), a Conference for the Law-Graduate beneficiaries of the NUR-UQAM Program was organized in the Fall of 2001 in Butare. UQAM, with the help of three members of staff ³ of the Faculty of Law, prepared and distributed the invitation cards.

The Conference was attended by the Chief Justice, Prosecutor General, Assistant to the Vice-Rector of Academic Affairs (current Vice-Rector for Academic Affairs), a representative from USAID, Professor William Schabas, Director of the Irish Centre for Human Rights at the National University of Ireland, Galway,⁴ Law Professors, as well as more than sixty law-graduate beneficiaries of the NUR-UQAM program.

The speakers at the Conference included, M. Gerald Gahima, Prosecutor General, the Assistant to the Vice-Rector of Academic Affairs, the USAID representative and the two former class representatives of the Law Graduates. The Prosecutor General made a presentation entitled “Evolution of the Criminal Procedure since 1995”. He highlighted the weaknesses in the Judiciary due to lack of qualified personnel and called upon the Law Graduates to join him. Another presentation entitled “Justice as a Tool to Reconciliation” was made by a law graduate working with the Unity and Reconciliation Commission. Professor Schabas was the moderator of the discussions.

C. Project implementation

As a means of facilitating the smooth implementation of the project, and to ensure that the UQAM project is executed in accordance with the needs of the Faculty of Law, a *Comité de Suivi* was created. The *Comité de suivi* was comprised of the following members : the Bureau of the Faculty of Law, a representative of the office of the Academic Vice Rector, the Director and the Resident Co-ordinator of UQAM.

The Comité was charged with the following responsibilities:

1. To approve the c.v.'s of instructors and consultants proposed by UQAM;
2. To ensure that the content of the courses taught by UQAM instructors are in conformity with the requirements of the Faculty;

³ These were Assistant Professors Emmanuel Butare, Usta Kitesi, and Apophia Twine.

⁴ Professor Schabas was the former director of the Law Department at UQAM until 2000 and the initiator of the NUR-UQAM Project in 1996.

3. To ensure Rwanda-specific content of the following specific project activities :
 - (i) Lawyering Skills guides;
 - (ii) Legal Research and Writing Manual;
 - (iii) Research Seminar.
4. To receive and study the quarterly progress reports submitted by the UQAM Resident Co-ordinator and to forward any questions directly to the Resident Co-ordinator;
5. To help create the Legal Clinic;
6. To ensure the timely receipt and publication of research carried out under the sponsorship of the Research Fund.

Conclusion

After all those years of cooperation between UQAM and NUR, what better way to conclude than to try foreseeing what could be done in continuation of all those rich activities. During my last visit in Butare in 2002, I had the chance to attend a Conference on the progress of information and communication technology in Rwanda where I witnessed the willingness of NUR to dedicate all the resources it can to the development of distance learning programs. We are in total agreement with this direction. The setting up by NUR of the Center for Instructional Technology (CIT) is a very opportune decision. As UQAM has been having incorporation talks with Télé-université (TÉLUQ), a Québec university wholly engaged in distance learning (www.teluq.quebec.ca), we will be better equipped to cooperate in some ways with NUR in this field. When those talks come to a fruitful conclusion, discussions could start between UQAM and NUR on a program of activities in distance learning. My commitment is to see that proposals along this way are prepared and discussed between UQAM and NUR.

Jacques Desmarais, vice-recteur à la planification et à la vie étudiante et secrétaire général
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